

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

THEODORE ALBERT GILMORE

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CASE NO. 4:98CR75

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced criminal action, this Court having heretofore referred the request for modification of Defendant's supervised release to the United States Magistrate Judge for proper consideration. The Court has received the report of the United States Magistrate Judge pursuant to its order. Defendant having waived allocution before this Court, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is, therefore, **ORDERED** that the Magistrate Judge's Report is **ADOPTED** as the opinion of the Court. It is further **ORDERED** that Defendant's supervised release is hereby **REVOKED**. It is further **ORDERED** that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of two (2) months, with 2 years of supervised release to follow. Defendant shall have until May 12, 2009 to self-surrender to commence serving his period of imprisonment. *Defendant shall self-surrender to the United States Marshal in the Eastern District of Texas.*

Upon release from imprisonment, Defendant shall be placed on supervised release for a term of 2 years. Within 72 hours of release from the custody of the Bureau of Prisons, Defendant shall report in person to the probation office in the district to which Defendant is released.

Defendant shall refrain from any unlawful use of a controlled substance. Defendant shall submit to one drug test within 15 days of release from imprisonment, and at least two periodic drug tests thereafter, as directed by the probation officer.

Defendant shall not possess a firearm, destructive device, or any other dangerous weapon, as defined in 18 U.S.C. 3563 (b)(8).

Defendant shall cooperate in the collection of DNA as directed by the probation officer.

While on supervised release, Defendant shall not commit another federal, state, or local crime, and shall comply with the standard conditions that have been adopted by the Court, and shall comply with the following additional conditions:

Defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring restitution payments.

Defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless payment of any financial obligation ordered by the Court has been paid in full.

Defendant shall not participate in any form of gambling unless payment of any financial obligation ordered by the Court has been paid in full.

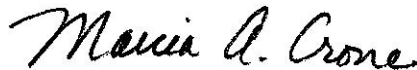
It is further ordered that Defendant shall pay restitution in the amount of \$83,664.21. The restitution is due immediately, payable by cashier's check or money order, to the United States District Court and forwarded to the United States District Clerk's Office, P.O. Box 570, Tyler, Texas 75710. Any amount that remain unpaid when Defendant is placed on supervision is to be paid on

a monthly basis at the rate of at least 10% of Defendant's monthly gross income, to be changed during supervision is needed, based on Defendant's changed circumstances, pursuant to 18 U.S.C. 3664 (k).

Defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

IT IS SO ORDERED.

SIGNED at Beaumont, Texas, this 30th day of April, 2009.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a horizontal line underneath it.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE